

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants: Diane H. Boschelli et al.
Application No.: 10/780,973 Examiner: S. Wang
Filed: February 18, 2004 Art Unit: 1617
For: 4-[(2,4-Dichloro-5-Methoxyphenyl)Amino]-6-Alkoxy-3-
Quinolinecarbonitriles for the Treatment of Ischemic Injury
Confirmation No.: 1683
Customer Number: 25291

Mail Stop Amendment
Commissioner for Patents
PO Box 1450
Alexandria, VA 22313-1450

Sir:

TERMINAL DISCLAIMER

I, William T. King, represent that I am an attorney and am empowered to act on behalf of Wyeth. Wyeth is the assignee of record, Recordation of Assignment Reel Number 014406, Frame 0138, of the entire right, title, and interest in and to the invention in the subject application. Wyeth is also the assignee of record of pending U.S. Patent Application No. 10/980,097, Recordation of Assignment Reel Number 015407, Frame 0979.

On behalf of Wyeth, I hereby disclaim, except as otherwise provided herein, the terminal part of any patent granted on the subject application which would extend beyond the expiration date of the full statutory term, including statutory extensions thereof of any patent granted on pending U.S. Patent Application No. 10/980,097 for 4-Anilino-3-Quinolinecarbonitriles for the Treatment of Chronic Myelogenous Leukemia (CML), except to the extent that the term of this application Application No. 10/780,973 might be extended pursuant to the Drug Price Competition and Patent Term Restoration Act of 1984 (35 USC §156) or any other applicable act of Congress, and hereby agree that any patent so granted on the subject application shall be enforceable only for and during such period that the legal title to said patent shall be the same as the legal title to U.S. Patent Application No. 10/980,097, this agreement to run with any patent granted on the subject application and to be binding upon the grantee, its successors or assigns.

Wyeth, does not disclaim any terminal part of any patent granted on the subject application prior to the expiration date of the full statutory term of any patent granted from U.S. Patent Application No. 10/980,097 in the event that such patent later: expires for failure to pay a maintenance fee; is held unenforceable; is found invalid by a court of competent jurisdiction, is statutorily disclaimed in whole or terminally disclaimed under 37 CFR 1.321(a); has all claims cancelled by a reexamination certificate; is reissued; or is otherwise terminated prior to the expiration of its statutory term, except for the separation of legal title stated above.

Pursuant to 37 CFR 3.73(b), I have reviewed all the recordation information above or all documents in the chain of title of the subject patent application and, to the best of my knowledge and belief, title is in the assignee identified above.

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further, that these statements are made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001, Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application or any patent issuing thereon.

Petitioner hereby authorizes payment of the requisite One Hundred and Thirty Dollars (\$130.00) fee for this Terminal Disclaimer pursuant to 37 CFR 1.20(d) by charging Deposit Account No. 01-1425. A duplicate copy of the transmittal letter is enclosed for deposit account charging purposes.

Date: 7/30/2008

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